

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOHN STAPLETON,

Plaintiff,

v.

ARCHDIOCESE OF NEW YORK; THE NEW YORK PROVINCE OF
THE SOCIETY OF JESUS; U.S.A. NORTHEAST PROVINCE OF THE
JESUIT FATHERS AND BROTHERS, a/k/a U.S.A. NORTHEAST
PROVINCE; THE USA NORTHEAST PROVINCE OF THE SOCIETY
OF JESUS, INC.; and FORDHAM PREPARATORY SCHOOL,

Defendants.

Index No.

SUMMONS

Date Index No. Purchased:
Oct. 8, 2019

To the above named Defendant(s)

ARCHDIOCESE OF NEW YORK
1101 First Avenue, New York County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in New York County, which is located in New York County, New York.

Dated: New York, New York
October 8, 2019

SIMMONS HANLY CONROY LLC



Paul J. Hanly, Jr.
Attorneys for Plaintiff
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New York, NY 10016
(212) 784-6401 Telephone
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SUPREME COURT OF THE STATE OF NEW YORK
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JOHN STAPLETON,

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To the above named Defendant(s)

THE NEW YORK PROVINCE OF THE SOCIETY OF JESUS
39 East 83rd Street, New York County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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To the above named Defendant(s)

U.S.A. NORTHEAST PROVINCE OF THE JESUIT FATHERS AND BROTHERS, a/k/a U.S.A.
NORTHEAST PROVINCE
39 East 83rd Street, New York County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOHN STAPLETON,

Plaintiff,

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To the above named Defendant(s)

THE USA NORTHEAST PROVINCE OF THE SOCIETY OF JESUS, INC.
39 East 83rd Street, New York County, New York

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOHN STAPLETON,

Plaintiff,

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ARCHDIOCESE OF NEW YORK; THE NEW YORK PROVINCE OF
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OF JESUS, INC.; and FORDHAM PREPARATORY SCHOOL,

Defendants.

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Date Index No. Purchased:
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To the above named Defendant(s)

FORDHAM PREPARATORY SCHOOL
441 East Fordham Road, Bronx County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in New York County, which is located in New York County, New York.

Dated: New York, New York
October 8, 2019

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOHN STAPLETON,

Plaintiff,

v.

ARCHDIOCESE OF NEW YORK; THE NEW YORK PROVINCE
OF THE SOCIETY OF JESUS; U.S.A. NORTHEAST PROVINCE
OF THE JESUIT FATHERS AND BROTHERS, a/k/a U.S.A.
NORTHEAST PROVINCE; THE USA NORTHEAST PROVINCE
OF THE SOCIETY OF JESUS, INC.; and FORDHAM
PREPARATORY SCHOOL,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff John Stapleton, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against the Archdiocese of New York; The New York Province of the Society of Jesus; U.S.A. Northeast Province of the Jesuit Fathers and Brothers, also known as U.S.A. Northeast Province; The USA Northeast Province of the Society of Jesus, Inc.; and Fordham Preparatory School, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.
2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
3. Venue for this action is proper in the County of New York pursuant to CPLR 503 in that one or more of the Defendants reside in this County.

PARTIES

4. Plaintiff John Stapleton ("Plaintiff") is an individual residing in St. Louis, St. Louis County, Missouri.

5. Defendant Archdiocese of New York is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 1101 First Avenue, New York County, New York. The Archdiocese of New York is a Roman Catholic archdiocese. At all relevant times, the Archdiocese of New York created, oversaw, supervised, managed, controlled, directed and operated various institutions in the Archdiocese of New York, including at all relevant times, Fordham Preparatory School in Bronx County, New York.

6. Defendant The New York Province of the Society of Jesus was at all relevant times a province of the religious order of the Roman Catholic Church known as the Jesuit Fathers and Brothers, also known as Societas Jesu, also known as the Society of Jesus. Defendant The New York Province of the Society of Jesus ("New York Jesuit Society" hereafter) is a not-for-profit corporation with its principal office at 39 East 83rd Street, New York County, New York. At all relevant times, New York Jesuit Society oversaw, managed, supervised, controlled, directed and operated Fordham Preparatory School in Bronx County, New York.

7. Defendant U.S.A. Northeast Province of the Jesuit Fathers and Brothers, also known as U.S.A. Northeast Province ("Northeast Jesuit Province") is a province of the religious order of the Roman Catholic Church known as the Jesuit Fathers and Brothers, also known as Societas Jesu, also known as the Society of Jesus, with its principal office at 39 East 83rd Street, New York County, New York. As the result of a merger, Defendant Northeast Jesuit Province is a successor of New York Jesuit Society.

8. Defendant The USA Northeast Province of the Society of Jesus, Inc. ("Northeast Province, Inc.") is a not-for-profit corporation with its principal office at 39 East 83rd Street, New York County, New York. As the result of a corporate merger,

Defendant Northeast Province, Inc. is a successor of New York Jesuit Society.

9. Defendant Fordham Preparatory School, ("Fordham Preparatory") is a Roman Catholic high school with its principal office at 441 East Fordham Road, Bronx County, New York. At all relevant times, the Archdiocese of New York and/or New York Jesuit Society created, oversaw, supervised, managed, controlled, directed and operated Fordham Preparatory.

FACTS COMMON TO ALL CLAIMS

10. In or about 1956, Father O'Brien was ordained a Roman Catholic priest. At all times relevant to the allegations set forth herein, Father O'Brien was assigned by Defendants Archdiocese of New York, New York Jesuit Society, and/or Fordham Preparatory to serve as the President and Headmaster of Fordham Preparatory. Father O'Brien passed away in approximately 2019.

11. Plaintiff was born in 1956. Plaintiff's family were parishioners of St. Nicholas of Tolentine, a parish of the Archdiocese of New York. From approximately 1970 to 1974, Plaintiff attended Fordham Preparatory for grades nine through twelve, when he was approximately thirteen to seventeen years of age. During the time period relevant to the abuse, Father O'Brien was the President and Headmaster of Fordham Preparatory.

12. In or about 1972 or 1973, when Plaintiff was approximately fifteen or sixteen years of age, Father O'Brien took Plaintiff to the Plaza Hotel in New York to meet with Plaintiff and to have lunch at the hotel with Plaintiff. Subsequently, in or about 1972 or 1973, when Plaintiff was approximately fifteen or sixteen years of age, Father O'Brien took Plaintiff and a few other minor Fordham Preparatory students on a trip to an island where Father O'Brien acted inappropriately with Plaintiff.

13. A few months later, in approximately 1973, when Plaintiff was approximately sixteen years of age, Father O'Brien took Plaintiff on an overnight trip. During that overnight trip, Father O'Brien insisted the then-minor Plaintiff sleep in the

same bed with Father O'Brien. Father O'Brien then sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

14. Father O'Brien used his position at Fordham Preparatory, which granted him access to minors, to gain access to the minor Plaintiff and to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff.

Defendants' Responsibility for the Abuse Committed by Father O'Brien

15. At all times material hereto, Father O'Brien was under the management, supervision, employ, direction and/or control of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory.

16. Through his positions at, within, or for Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, Father O'Brien was put in direct contact with Plaintiff.

17. Father O'Brien used his position at, within, or for, Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory and the implicit representations made by them about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

18. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory had the duty to reasonably manage, supervise, control and/or direct priests who served at Fordham Preparatory, and specifically, had a duty not to aid pedophiles such as Father O'Brien by assigning, maintaining, and/or appointing them to positions with access to minors.

19. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father O'Brien, who sexually abused Plaintiff.

20. Defendants Archdiocese of New York, New York Jesuit Society, and

Fordham Preparatory had a duty to the Plaintiff to properly supervise their agents to ensure that said agents did not use their positions with Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory as a tool for grooming and assaulting vulnerable children. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory knew or should have known that Father O'Brien used his position at Fordham Preparatory to sexually abuse minor children, including the Plaintiff.

Consequences of the Abuse

21. Plaintiff suffered personal physical and psychological injuries and damages as a result of Father O'Brien's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

22. As a direct result of the conduct described herein of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Father O'Brien's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

23. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

24. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory at all relevant times indicated that minors who attended Fordham

Preparatory would be physically safe while in the presence of priests assigned to Fordham Preparatory. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory entered into an express and/or implied duty to provide that when Plaintiff was a minor left in the presence of a priest assigned to, hired by, retained by, directed by, and/or under the supervision of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, Plaintiff would be kept reasonably safe and that that priest would not sexually abuse Plaintiff.

25. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory owed a duty of care to all minors, including Plaintiff, who were likely to come into contact with Father O'Brien or under the influence or supervision of Father O'Brien, to ensure that Father O'Brien did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

26. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory knew or should have known of Father O'Brien's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

27. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

28. Father O'Brien sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff while he was a priest and agent of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory.

29. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory negligently hired, retained, directed, and supervised Father O'Brien, as they knew or should have known that Father O'Brien posed a threat of sexual abuse to minors.

30. Defendants Archdiocese of New York, New York Jesuit Society, and

Fordham Preparatory were negligent in failing to properly supervise Father O'Brien.

31. At all times material hereto, Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's actions were willful, wanton, malicious, negligent, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

32. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

33. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

34. By reason of the foregoing, Defendants Archdiocese of New York, New York Jesuit Society, Northeast Jesuit Province, Northeast Province, Inc., and Fordham Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence

35. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

36. At all times material hereto, with regard to the allegations contained herein, Father O'Brien was under the supervision, employ, direction and/or control of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory.

37. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory owed Plaintiff, at the relevant times a minor, a duty to protect Plaintiff from Father O'Brien's sexual deviancy and the consequential damages, both

prior to and/or subsequent to Father O'Brien's misconduct.

38. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory knew, or were negligent in not knowing, that Father O'Brien posed a threat of sexual abuse to minors.

39. The acts of Father O'Brien described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory.

40. Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission resulted directly and/or proximately in the damages set forth herein at length.

41. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Father O'Brien;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

42. At all times material hereto, Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's actions were willful, wanton, malicious, negligent, reckless, and outrageous in their disregard for the rights and safety

of Plaintiff, which amounted to conduct equivalent to criminality.

43. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

44. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

45. By reason of the foregoing, Defendants Archdiocese of New York, New York Jesuit Society, Northeast Jesuit Province, Northeast Province, Inc., and Fordham Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Breach of Non-Delegable Duty

46. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

47. Plaintiff, when he was a minor, was placed in the care and supervision of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory for the purposes of, *inter alia*, providing Plaintiff with a safe environment in which to participate in educational, youth, and recreational activities. There existed a non-delegable duty of trust between Plaintiff and the Defendants.

48. Plaintiff was a vulnerable minor when placed within the care of Father O'Brien, an agent of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory.

49. At all times material hereto, Father O'Brien was under the supervision, employ, direction and/or control of the Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory.

50. As a consequence, Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory were in the best position to prevent Father O'Brien's sexual abuse of Plaintiff, to learn of that sexual abuse of Plaintiff and stop it, and to take prompt steps to provide that Plaintiff received timely therapy to address the harm Plaintiff suffered resulting from Father O'Brien's sexual abuse of Plaintiff. Such prompt steps would have mitigated the extent of lifetime suffering Plaintiff has had to endure.

51. By virtue of the fact that Plaintiff was sexually abused as a minor entrusted to the care of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, Defendants breached their non-delegable duty to Plaintiff.

52. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

53. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

54. By reason of the foregoing, Defendants Archdiocese of New York, New York Jesuit Society, Northeast Jesuit Province, Northeast Province, Inc., and Fordham Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Breach of Fiduciary Duty

55. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

56. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory. This relationship is based on the entrustment of the Plaintiff

while he was a minor child to the care and supervision of the Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory. This entrustment of the Plaintiff to the care and supervision of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, while the Plaintiff was a minor child and student, required Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect Plaintiff due to his infancy and vulnerability.

57. Pursuant to their fiduciary relationship, Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory were entrusted with the well-being, care, and safety of Plaintiff.

58. Pursuant to their fiduciary relationship, Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory assumed a duty to act in the best interests of Plaintiff.

59. Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory breached their fiduciary duty to Plaintiff.

60. At all times material hereto, Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's actions and/or inactions were willful, wanton, malicious, negligent, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

61. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

62. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

63. By reason of the foregoing, Defendants Archdiocese of New York, New York Jesuit Society, Northeast Jesuit Province, Northeast Province, Inc., and Fordham

Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

64. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

65. As described above, the actions of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, as well as their predecessors and/or successors, agents, servants, and/or employees, were conducted in a negligent and/or grossly negligent manner.

66. Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's actions endangered Plaintiff's safety and caused Plaintiff to fear for his own safety.

67. As a direct and proximate result of Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

68. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

69. By reason of the foregoing, Defendants Archdiocese of New York, New York Jesuit Society, Northeast Jesuit Province, Northeast Province, Inc., and Fordham Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest

and costs.

SIXTH CAUSE OF ACTION

Breach of Duty *in Loco Parentis*

70. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

71. While he was a minor, Plaintiff was entrusted by his parents to the control of Defendants Archdiocese of New York, New York Jesuit Society, and Fordham Preparatory, for the purposes of *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. These Defendants owe—and owed—a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

72. Defendants breached their duty to act *in loco parentis*.

73. At all times material hereto, Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

74. As a direct result of Defendants Archdiocese of New York's, New York Jesuit Society's, and Fordham Preparatory's conduct, Plaintiff has suffered the injuries and damages described herein.

75. Liabilities of New York Jesuit Society were transferred to, or assumed by, Northeast Jesuit Province and Northeast Province, Inc. As a result, Northeast Jesuit Province and Northeast Province, Inc. are liable to the Plaintiff for the damages caused by New York Jesuit Society stated in this cause of action.

76. By reason of the foregoing, Defendants Archdiocese of New York, New York Jesuit Society, Northeast Jesuit Province, Northeast Province, Inc., and Fordham Preparatory are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest

and costs.

WHEREFORE Plaintiff demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 8, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.
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